

December 30, 1999

D.T.E. 97-120-C

Petition of Western Massachusetts Electric Company pursuant to General Laws Chapter 164, §§ 76 and 94, and 220 C.M.R. §§ 1.00 et seq., for review of its electric industry restructuring proposal.

ORDER ON MOTION FOR CLARIFICATION

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I. INTRODUCTION

On September 17, 1999, the Department issued its Order in the above-referenced proceeding. Western Massachusetts Electric Company, D.T.E. 97-120 (1999). Pursuant to the Department's Order in D.T.E. 97-120, on October 18, 1999, Western Massachusetts Electric Company ("WMECo" or "Company") submitted a compliance filing ("Compliance Filing") for the Department's review. On December 20, 1999, the Department issued an Order on the company's Compliance Filing. Western Massachusetts Electric Company, D.T.E. 97-120-B (1999). On December 22, 1999, the Company submitted a motion for clarification.⁽¹⁾

II. MOTION FOR CLARIFICATION

A. Introduction

In the review of its Compliance Filing, WMECo identified several errors to the Company's distribution revenue requirement (Tr. at 4218-4219). While the Department approved certain corrections to the cost of service study, the Company states that D.T.E. 97-120-B was silent as to an error which credits distribution costs in connection with an amount related to Financial Accounting Standards No. 109 (Motion for Clarification at 2). The Company states that it had erroneously applied a credit of \$1,100,000 against distribution costs. The Company states that a credit was due to transition costs, not distribution costs (id.). The Company states that D.T.E. 97-120-B was silent as to the disposition of the FAS 109 related credit, and that this matter should have been addressed by the Department (id.). Therefore, the Company contends that it meets the standard for a motion for clarification (id.). B. Standard of Review

Clarification of previously issued orders may be granted when an order is silent as to the disposition of a specific issue requiring determination in the order, or when the order contains language that is so ambiguous as to leave doubt as to its meaning. Boston Edison Company, D.P.U. 92-1A-B at 4 (1993); Whitinsville Water Company, D.P.U. 89-67-A at 1-2 (1989). Clarification does not involve reexamining the record for the purpose of substantively modifying a decision. Boston Edison Company, D.P.U. 90-335-A at 3 (1992), citing Fitchburg Gas & Electric Light Company, D.P.U. 18296/18297, at 2 (1976).

C. Analysis and Finding

While the Department's Order approved certain corrections to the cost of service study, D.T.E. 97-120-B was silent as to an error which credits distribution costs in

connection with an amount related to Financial Accounting Standards No. 109. This matter should have been addressed by the Department. Therefore, the Department grants the motion for clarification.

The Company had erroneously applied a FAS 109 credit of \$1,100,000 against distribution costs. This credit was due to transition costs, not distribution costs. In its compliance tariffs, the Company should include this correction.

III. ORDER

Accordingly, after due consideration, it is

ORDERED: That the motion for clarification submitted by Western Massachusetts Electric Company on December 22, 1999 be and hereby is ALLOWED; and it is

FURTHER ORDERED: That Western Massachusetts Electric Company shall comply with the directives of this Order.

By Order of the Department,

Janet Gail Besser, Chair

James Connelly, Commissioner

W. Robert Keating, Commissioner

Paul B. Vasington, Commissioner

Eugene J. Sullivan, Jr., Commissioner

1. On October 7, 1999, the Department received motions for reconsideration and/or clarification from: (1) the Attorney General, (2) Western Massachusetts Industrial Customers Group, and (3) Temple Beth El and Kodimoh Synagogue. On October 15, 1999, Western Massachusetts Electric Company submitted a response to the motions. On December 1, 1999, the Department issued an Order on the motions for reconsideration and/or clarification. Western Massachusetts Electric Company, D.T.E. 97-120-A, Order on Motions for Reconsideration and/or Clarification (1999).

